

S/N 10/564968

Response to Action dated October 5, 2009

REMARKS

Applicants respectfully request favorable reconsideration and reexamination of this application.

Claims 1 and 14 have been revised. Claims 1 and 14 are supported by, for example, Figs. 1, 9, and 10, and page 8, lines 17-27, page 17, lines 7-16, and page 37, line 21 to page 38, line 5 in the Specification.

Withdrawn claim 17 has been revised. Claim 17 is supported by, for example, Figs. 1, 9, and 10, 16, and page 8, lines 17-27, page 17, lines 7-16, page 37, line 21 to page 38, line 5, page 43, line 21 to page 44, line 1, page 44, lines 12-16, and page 53, line 16 to page 54, line 29 in the Specification.

There is no new matter. Claims 1-20 are pending with claims 15-20 having been withdrawn.

Election/Restrictions

Applicants traverse the restriction requirement. Applicants respectfully bring to the Examiner's attention that one or a group of inventions may be linked as to form a single general inventive concept. This "unity of invention" requirement is fulfilled when a group of inventions claimed in an application has a technical relationship among those inventions involving one or more of the same or corresponding technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. *See 37 C.F.R. § 1.475.*

The Office Action maintained the restriction requirement and stated that because Group 2 requires the high-refractive glass beads to be embedded in the binder layer where the print resin layer is formed, while Groups 1, 3, and 4 do not. Applicants respectfully traverse this statement. Claim 15 (independent claim of Group 2) recites a method that includes "embedding the high-refractive-index glass beads in a part of the binder layer where the print resin layer is *not* formed" (emphasis added). Claim 1 (independent claim of Group 1) and claim 17 (independent claim of Group 3) have been revised to clarify that the high-refractive-index glass beads are disposed in a part of the binder layer where the print resin layer is not formed. Thus, Group 1, Group 2, and Group 3 are related.

Further, the Office Action maintained the restriction requirement and stated that Group 3 requires a print layer having an affinity with a sublimable dye, Group 1 requires a print layer

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comprising a room temperature curing resin, and Group 4 requires a transfer paper. Claim 17 (independent claim of Group 3) has been revised to clarify that a print layer comprises an image that is formed in an image formation resin layer. An image formation resin layer is recited in claim 16 (dependent claim of Group 2). Thus, Group 2 and Group 3 are related.

Under 37 C.F.R. § 1.475(b), a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn to a product and a process specially adapted for the manufacture of said product. Regarding Group 4, claim 19 recites the product claim 17. Further, claim 19 recites a method that includes “removing the transfer paper” wherein the transfer paper is part of an intermediate stage of production, and thus it is understandable that it would not be found in the product. Thus, Group 3 and Group 4 are related.

Applicants submit that no adequate basis has been established for the restriction requirement and/or no adequate basis exists due to the claim revisions. Applicants respectfully request that the restriction requirement be withdrawn.

Claim Rejections – 35 USC § 103

Claims 1-4, 6-7, and 14 were rejected under 35 USC 103(a) as being unpatentable over Faykish et al. (US 5866236) in view of Ochi et al. (US 5812316) and further in view of Araki et al. (US 5714223). Applicants respectfully traverse the rejection.

Regarding claim 1, the rejection stated that Fig. 1 in Faykish et al. teaches a high-refractive glass beads that do not coincide with the print resin layer. Applicants respectfully disagree.

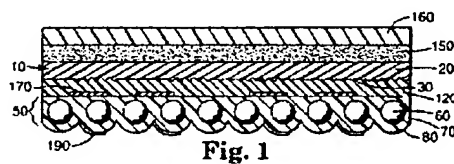


Fig. 1 of Faykish et al.

Fig. 1 of Faykish et al. is a “cross-sectional view” from the side (column 2, line 13). Faykish et al. teaches a device having a pattern coated layer 170 above the glass microspheres 60. Assuming arguendo that the pattern coated layer 170 is analogous to the print resin layer and that the glass microspheres are analogous to the high-refractive-index glass beads, which

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Applicants do not concede, Fig. 1 of Faykish et al. shows high-refractive-index glass beads positioned so that they would coincide with a position of the print resin layer, when observed from the surface layer side in a thickness direction. In contrast, claim 1 recites that a position for disposing the high-refractive-index glass beads does not coincide with a position of the print resin layer, when being observed from the surface layer side in a thickness direction of the retroreflective sheet for security. Ochi et al. and Araki et al. do not remedy this deficiency. Thus, claim 1 is patentable over Faykish et al. in view of Ochi et al. and further in view of Araki et al. Claims 2-4 and 7 are also patentable for at least the same reasons as claim 1 from which they depend. Applicants respectfully request that this rejection be withdrawn.

Claim 6 depends on claim 5. Claim 5 was not rejected as unpatentable in view of Faykish et al. in view of Ochi et al. and further in view of Araki et al. Thus, the rejection of dependent claim 6 over the cited art is improper. Claim 6 is patentable over Faykish et al. in view of Ochi et al. and further in view of Araki et al. for at least the same reasons as claim 5 and/or claim 1 from which it depends. Applicants respectfully request that this rejection be withdrawn.

Claim 14 is patentable over Faykish et al. in view of Ochi et al. and further in view of Araki et al. for at least the same reasons stated above in regard to claim 1. Applicants respectfully request that this rejection be withdrawn.

Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Faykish et al., Ochi et al., and Araki et al., in view of Rivera et al. (US 2005/0179253). Applicants respectfully traverse the rejection. Rivera et al. does not remedy the deficiencies of Faykish et al., Ochi et al., and Araki et al. stated above in regard to claim 1. Claim 5 is patentable for at least the same reasons as claim 1 from which it depends. Applicants respectfully request that this rejection be withdrawn.

Claims 8-9 and 13 were rejected under 35 USC 103(a) as being unpatentable over Faykish et al., Ochi et al., and Araki et al., in view of Pearce et al. (US 5342821). Applicants respectfully traverse the rejection. Pearce et al. does not remedy the deficiencies of Faykish et al., Ochi et al., and Araki et al. stated above in regard to claim 1. Claims 8-9 and 13 are

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patentable for at least the same reasons as claim 1 from which they depend. Applicants respectfully request that this rejection be withdrawn.

Claims 10-12 were rejected under 35 USC 103(a) as being unpatentable over Faykish et al., Ochi et al., Araki et al., and Pearce et al. in view of Bourdelais et al. (US 5342821). Applicants respectfully traverse the rejection. Bourdelais et al. does not remedy the deficiencies of Faykish et al., Ochi et al., Araki et al. and Pearce et al. stated above in regard to claims 1 and 8. Claims 10-12 are patentable for at least the same reasons as claim 1 from which they depend. Applicants respectfully request that this rejection be withdrawn.

Claims 8-13 were rejected under 35 USC 103(a) as being unpatentable over Faykish et al., Ochi et al., and Araki et al., in view of Yukawa et al. (US 2005/0148469). Applicants respectfully traverse the rejection. Yukawa et al. does not remedy the deficiencies of Faykish et al., Ochi et al., and Araki et al. stated above in regard to claim 1. Claims 8-13 are patentable for at least the same reasons as claim 1 from which they depend. Applicants respectfully request that this rejection be withdrawn.

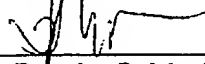
In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



Dated: January 5, 2010

Respectfully submitted,

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